

<sup>1</sup> The Recommendation does not state whether dismissal should be with or without prejudice. But it does recommend dismissal because the applicable statute of limitations bars Plaintiff's action, and such a dismissal "is a decision on the merits for *res judicata* purposes." *Mathis v. Laird*, 457 F.2d 926, 927 (5th Cir. 1972). Moreover, an involuntary dismissal is automatically assumed to be with prejudice under Rule 41(b). *See* Fed. R. Civ. P. 41(b) (stating that unless the order states otherwise, an involuntary dismissal "operates as an adjudication on the merits").